

**STANDING COMMITTEE ON
ENVIRONMENT AND PUBLIC AFFAIRS**

TRANSPORTATION OF DETAINED PERSONS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 26 JULY 2010**

SESSION TWO

Members

**Hon Brian Ellis (Chairman)
Hon Kate Doust (Deputy Chairman)
Hon Phil Edman
Hon Colin Holt
Hon Lynn MacLaren**

Hearing commenced at 11.40 am**GREGSON, MR WAYNE****Assistant Commissioner, WA Police,****sworn and examined:****PETTERSON, MR ROD****Inspector, WA Police Custodial Services,****sworn and examined:****ITALIANO, MR GREGORY****Executive Director, WA Police,****sworn and examined:**

[Witnesses took the oath or affirmation.]

The DEPUTY CHAIRMAN: You would have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The DEPUTY CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist both the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make a noise near them. I remind you that your transcript will become a matter for the public record. If, for some reason, you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any media and public in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that material published or disclosed is not subject to parliamentary privilege.

Mr Gregson, would you like to make a statement to the committee or would you like to jump straight into questions?

Mr Gregson: I think we can go straight into the questions.

The DEPUTY CHAIRMAN: I assume some questions have been provided to you; hopefully you will have some answers.

Mr Gregson: Yes, that is correct. I have a copy of the questions dated 26 July 2010. I think there are some 30 questions.

The DEPUTY CHAIRMAN: There may very well be some more that arise today as we work our way through. If we run out of time today and do not cover all the questions put forward, there may be some capacity to put those on notice and get the responses at a later stage.

There are four terms of reference that this committee is looking at for this inquiry. The first one relates to the progress in relation to the implementation of a coroner’s findings into the death of Mr Ward. The first question we pose to you is: could you please outline the reviews that WA Police have conducted since a coroner’s report was released and any action taken in response to the report?

Mr Gregson: Following the 2009 coronial inquiry into the death of Mr Ward, WA Police conducted a comprehensive review and a risk assessment of its custodial transport policies, procedures and practices. The outcome of this review was the development of the WA Police Transport of Persons in Custody Manual. I refer to an inquiry that came through to yourselves dated May 2010 when we also furnished a revised manual. The manual applies protocols for the long-distance transport of adult and juvenile remand prisoners, mental patients and unlawful citizens by various methods. The manual includes a risk analysis matrix, prisoner escort check list and commercial aircraft security advice. In addition it imposes the following limitations on the duration of custodial transport by road; that is, compulsory rest breaks after no longer than two and a half hours; the use of air transportation for journeys of more than five hours in duration; and the replacement of our caged vehicle fleet in regional Western Australia with varley pods, which is a different type of pod. A compulsory risk assessment is required for every escort conducted. The revised policies and procedures impose a considerable increase in costs to WA Police in performing custodial transports primarily via the increased use of air transport and changes to the vehicle fleet. Both the effectiveness of the policies and procedures contained within the new manual, as well as the success of the proposed alternative solutions and strategies, will depend heavily on appropriate funding arrangements and the implementation of the resources, particularly the rollout of the vehicle fleet.

The DEPUTY CHAIRMAN: I want to confirm the document I have in front of me, which is Transport of Persons in Custody Manual, version final date 10 September 2009—is that the same version?

Mr Gregson: Did that form annexure 1 to the inquiry?

The DEPUTY CHAIRMAN: Yes.

Mr Gregson: Then that is the correct document.

The DEPUTY CHAIRMAN: In terms of talking about transport and the changes that you are making or considering making, we heard evidence earlier from the Department of Corrective Services and we were talking about using planes rather than using vans. I understand that WA Police currently have two planes they use for a range of purposes. The Department of Corrective Services advised us that there has been some discussion between themselves and the police about the possibility, if there was a third plane that could be obtained in the future, perhaps that could be also used by that department from time to time to transport prisoners. Is that correct?

Mr Gregson: That is correct. We have been doing some substantial work with the Department of Corrective Services particularly on the transportation of juveniles. During those discussions and following on from those discussions was the access by their department to the use of our planes. Of course we are more than happy to have a joined-up approach with them but we think that as that expands—if that expands to adult services in the same way that it is intended for juveniles—then we would almost certainly predicate a business case for a third aircraft.

The DEPUTY CHAIRMAN: Has any work been done on progressing that joint business case, or is it still at the discussion stage?

Mr Gregson: We have done some work on a business case for a third aircraft, yes.

The DEPUTY CHAIRMAN: Do you think there is appetite for the government to support providing you with a third aircraft?

Mr Gregson: I have not had any discussions with them on that. I do not know.

The DEPUTY CHAIRMAN: What sort of costs are you looking at for another plane?

Mr Italiano: I guess this is an example where departments may find themselves with some joint budget priorities which, for one reason or another, do not necessarily surface as the specific department priority at the absolute top of the priority list. Certainly when we come to consider, at

capital time, our priorities, we have some major communications infrastructure shortfall et cetera et cetera. Getting a third fixed wing aircraft up into the top three or four is pretty challenging to achieve. To answer your question, we have two PC-12s at the present time. They are in the vicinity of \$6 million to \$7 million as new aircraft. Obviously there are running costs associated with pilots and the running cost of using the aircraft itself, which is in the vicinity of, say, half a million dollars a year, give or take, as an approximate number. There are obviously synergies to add a fixed wing to an existing air wing operation as opposed to trying to create that entire infrastructure around a new service. There are examples in Australia, I think Queensland being the most prominent, where police air wing is used on a multi-tasking arrangement to support custodial transport. I think also DCS has recently expanded the amount of chartered services it uses to achieve air transportation for its purposes. I think that probably goes to the points.

[11.50 am]

The DEPUTY CHAIRMAN: Thank you.

Mr Gregson: The challenge is of course we have only limited capacity with two aircraft. You also have operational priorities that have to bump custodial transport priorities. If you expand the fleet you can more often say yes to an approach.

The DEPUTY CHAIRMAN: Given the tyranny of distance, particularly at the top end of our state, it is a very interesting proposition to have aircraft rather than vans in terms of timeliness.

Mr Italiano: Most of our air transportation at the present time for police purposes is done out of the Goldfields–Esperance district. There is no doubt that if we were going to base one or more of those aircraft, we would choose an appropriate base by virtue of the vehicle transportation hours, clearly. The Kimberley and the Goldfields would be two of the places we would look at as amongst some of the first places we would look at. One of our PC12s is based at Karratha and one is at Jandakot.

Hon LYNN MacLAREN: Have you prepared a business case for getting another plane, even if it is not one of your top priorities? Are you working with, say, the Department of Corrective Services to look at that as a feasibility study?

Mr Italiano: We certainly have done some work on it. I would not yet characterise it as a fully completed business case. There is certainly a lot of understanding of that. There are obviously now costs that DCS has for its chartered operation for arguments sake. DCS knows the costs of carrying that out; it knows the amount of prisoner movement. It is not an overly complex comparative exercise. I suppose it would be further strengthened if it was the view that air transportation was the preferred method of moving people. Obviously, there are costs but also considerations of time and safety for everyone et cetera There are a number of factors.

Hon LYNN MacLAREN: I had a quick look at the manual you referred to and this manual indicates that you need breaks every two and a half hours. Is that a change? What was it previously?

Mr Gregson: I do not think any parameters were put around it previously. It was more an ad hoc commonsense approach. This manual tries to be a little more prescriptive on what was acceptable and what was deemed to be short haul. The other notation in the review is, of course, that our vehicles are not deemed suitable for longer periods on long hauls. We endeavoured to put some parameters around what was deemed appropriate.

Hon LYNN MacLAREN: Which is considered to be five hours.

Mr Gregson: Five hours in total.

Hon LYNN MacLAREN: I have a couple of questions, but I do not want to hog the time. On the requirement for seatbelts when you are transporting prisoners, I was amazed at the *Four Corners* study following Mr Ward's case that seatbelts did not seem to be anywhere visible. Is that a change that has occurred to the vehicles in addition to the two and a half hour rest break?

Mr Gregson: I do not believe there are seatbelts in the varley pods because that is contra-d with the huge risk of self-harm. That is the problem.

Hon LYNN MacLAREN: The manual reads well. Are you taking it out with some practical training? To what degree do your officers need to be aware of the content in the manual and how do you test that that has come across effectively?

Mr Petterson: With regard to the information supplied to the officers, there are updates through our broadcast system that advise them of the requirements to undertake that risk assessment. As recently as a few weeks ago that did occur. On the question previously asked about the seatbelts, our vehicles are there for dual purpose. There are the short-term trips when we have arrested someone who is potentially under the influence of drugs and alcohol. Then there are the long-term trips with a person who may not necessarily be under the influence of those drugs. Therefore, it would be unsafe to put seatbelts into our vehicles simply because from the time a person has been detained to the time you get to the police station there is a risk. Whilst there are certainly cameras there, should an incident be occurring on the side of the road where a police officer was needed and returned to potentially arrest a second person, there may be short periods of time when someone is left in the vehicle. I suggest it would not be a safe practice to put seatbelts in our cars. Obviously, there would be additional expense by having dual vehicles, one for long haul and one for the short haul.

Hon COL HOLT: You have developed a manual that talks about transportation of detained people. We know what happens if you say you have to read the manual. What practical training goes along with the manual? I think that was the question Hon Lynn MacLaren was getting to. How confident are you that you perform that training, whatever that is, to say that people now understand what the requirements are? Maybe there is a gap between what you provide and what people take away from potential training, whatever that is.

Mr Gregson: That is a perennial issue with any change of policy. We have processes whereby whenever you bring out a new policy you have to promulgate it, advertise it and make sure it is included in the training and induction packages—in this case officers who work in watch houses, police auxiliary officers. It is raised at operational officer in charge. At conferences it is always flagged as new policy, which is reviewed, particularly by regional Western Australia with officers in charge of remote or regional police stations. I guess it is the same challenge with any change of policy, or change of law even. You have to get it out there and then follow it up to make sure your officers are acting in conformity with the change of policy. We do all those things in relation to policy changes.

Hon COL HOLT: How is it going in terms of the new manual?

Mr Gregson: I do not think we have at this stage done a formal review of the change in relation to this specific manual.

Hon COL HOLT: You do not really know how the officer on the ground knows about the requirements in the manual?

Mr Gregson: No, I do not think we would know that. We have not done a formal review or evaluation of this particular policy.

The DEPUTY CHAIRMAN: How do you measure that change?

Mr Gregson: You could review all the risk. They are required to do the risk. You could check logs. Officers in charge do check logs. I could formally go back and instruct a review be undertaken to make sure no escort has gone longer than two and a half hours without a break or no more than five hours without consideration of air travel. You could do a formal analysis of this particular policy.

The DEPUTY CHAIRMAN: When you talk about going no longer than five hours, just so that I am clear in my own head, if it is driving in a van and they take their break after two and a half hours, does that mean everyone gets out of the van?

Mr Gregson: They have a leg stretch and a comfort break and then you go for a maximum of another two and a half hours.

The DEPUTY CHAIRMAN: If at any stage during transportation the person who is in the back of the van is feeling ill or needs another comfort break, how does that person notify the driver of that need?

Mr Gregson: In the new vehicles they can communicate between the pod and the front. There is also camera footage.

The DEPUTY CHAIRMAN: Not having been in one I was curious about how it works. I refer to recommendation 3 from the coroner. We have probably already started to touch upon that now anyway by talking about reviewing your training procedures. It comes in with regard to the Bail Act. We had some commentary from the Attorney General's department in one of our earlier hearings about the Bail Act.

I will take you through some of the questions listed under requirement 3. What action has the police taken to implement recommendation 3? Who is reviewing the Bail Act 1982 and when will that review be completed?

[12 noon]

Mr Gregson: Specifically in relation to recommendation 3, we have conducted a review of training procedures in terms of content. That was done by the police academy staff in June. The review's outcome recommends that WAPOL provide adequate training to bail for recruits and that is also reinforced at senior constable or subsequent training, so we did not have any problems with the training packages in relation to the Bail Act.

The DEPUTY CHAIRMAN: So that is the training packages you already had —

Mr Gregson: Yes.

The DEPUTY CHAIRMAN: — or making amendments to those packages?

Mr Gregson: No, the academy deems that the current training in relation to the Bail Act and provisions of the Bail Act are adequate.

The DEPUTY CHAIRMAN: Are you able to describe the training so that your staff have a clear understanding of how to implement their role in the Bail Act?

Mr Gregson: Yes, the modules incorporate relevant sections of the Bail Act and their application to police, including the authorities to consider bail, the requirements of police to consider bail and offenders' rights. They identify the criteria used for determining suitability of bail and to specify the prescribed circumstances where bail does not need to be considered; explains various bail types, including unconditional, conditional and refused bail types; identify who can reconsider bail in the forms required when an accused objects to an authorised officer's bail decision; identify and explain relevant bail-related documents which are required when an accused breaches bail, whether they are protective or non-protective conditions and when surety is withdrawn; explain the police power of arrest for breaching bail conditions and the procedure for revoking bail; and they identify offences under the Bail Act. They are the packages, if you like, or the training modules that compose the training that is done in relation to the Bail Act.

The DEPUTY CHAIRMAN: So is this competency-based training in this area or is this assessment-based training?

Mr Italiano: It is competency-based and it is delivered under the AQT act framework.

Hon PHIL EDMAN: Just following on from that, what level of focus is given to covering the Bail Act during the actual initial cadet training period? That is what I am interested in. Is it just that the focus is more on upgrading and maintaining the knowledge of officers who are in the field already?

Mr Gregson: I am told that the above packages form part of the core training provided to all police recruits and auxiliary officers and then the modules are touched on again during advanced training, so first-class constable, senior constable training.

The DEPUTY CHAIRMAN: How often do current officers go back in for review or an update of their training? Is this something that you would send out a broadcast in terms of there has been a change or would it just be provided as information or would they be called back in to —

Mr Gregson: It depends on the nature of the training. Some training, like firearms usage, there is a mandated requirement that you do it X number of times a year, similar with resuscitation, EEO. Others are covered in various courses, diversity training, those types of issues, Bail Act training. Some you learn in the academy and I do not think you ever revisit some of the modules, so it really depends on what training it is that you are specifically looking at.

The DEPUTY CHAIRMAN: I was talking about this section of the Bail Act in terms of whether it would simply be providing information about changes to everybody so that they would deal with it in their own way or whether you would physically get them back in to a training environment to take them through the changes.

Mr Gregson: I do not think that we would physically get them back in on most of the modules that are offered; some of it is recurrent.

Mr Italiano: If I might, Madam Chair, just—in no way trying to diminish in any way the discussion today—to provide a bit of information. The amount of changes we would make to law and procedure in the WA Police in a year would be quite astounding, I would suggest. It would be dozens of things from new legislation to procedures to policies and we have five and a half thousand sworn officers spread across the state. One thing we are doing at the moment, for example, is getting back people for investigative interviewing training. That would be probably in the vicinity of a \$2 million exercise just for that one particular thing, so if we were to say that we wanted to do face-to-face centralised training for changes of this nature, I would suggest to you that as a practical exercise it would be incredibly difficult for the organisation to do. What an officer could do here is they can access these things through the e-learning system, they can ask their officer in charge, and they have the manual online, which they can look up in the police station if they need it. You were asking about information, so that is available. So I think there are ways in which an officer who had a query or was not sure about what to do could deal with it. I am not suggesting that there is not a role for face-to-face training when there are major changes in significant things, but it is a difficult logistical thing for the organisation.

The DEPUTY CHAIRMAN: I appreciate that, Mr Italiano. Not knowing the processes or the systems that currently exist in WA Police and from my own background as a trainer, I was curious to find out what you have. You have actually provided a range of options which sound very useful, so thank you very much. Whilst our questions might have sounded inane, it is just because we do not know the systems you have in place, but thank you.

Hon LYNN MacLAREN: I do not want to diminish what Madam Chair has just said; however, there was one point that we were trying to get to, which is I think that the Coroner's recommendation—I will just read it out—is that —

WA Police review its training procedures —

Which you have clearly done —

to ensure that police officers have a better understanding of the Bail Act ...

From what you are saying so far it seems that you do not concur that they required a better understanding. If you have reviewed your training and you think it is adequate and you have not changed it at all, are you saying that you do not concur with the recommendation? Because the Coroner is clearly saying that there is a lack of understanding of the Bail Act and he is wanting the WA Police to improve that, so I just want to have that really clear.

Mr Gregson: I do not read that into the recommendation, with respect; my view is it says we “review its training procedures to ensure that police officers have a better understanding of the Bail Act”. We looked at our training modules in terms of bail; we have not even changed them because we have been right through them very carefully and we deem that they are adequate and appropriate.

Hon COL HOLT: So where is the gap between what you guys think and what the coroner thinks? Because he thinks there is less understanding than is required and you guys think it is okay or you think the training is adequate to give a good understanding of the Bail Act. Can you see what I think Hon Lynn MacLaren is getting at? The Coroner thinks there is not enough understanding of the Bail Act from police officers, you guys are saying you are providing the training and it is working okay—there is a gap there, isn't there?

Mr Gregson: I am not so sure that there is a gap. I do not actually see the divergence of views. I think my reading of what the coroner is asking for is for us to check our training manuals to see if you can make improvements to give a better understanding. I did not read that the coroner is saying that there is an inadequate understanding of the Bail Act in the police service as a whole. In either event, we have looked at the training and the way in which that is delivered, what the modules are, what they encompass, and the academy assures me that they are adequate and appropriate.

Hon LYNN MacLAREN: Just maybe to reiterate, I think there is a difference of opinion here on what the coroner's recommendation has been, but I note what you are saying is that you feel that the training is adequate. But I think what we are saying and there was testimony here, not just the Coroner's recommendation, that there were concerns with people who were working with detained persons that there was some limited understanding of the Bail Act amongst police officers, so obviously there is a gap of understanding between us and several of the people who have made submissions to us and how you are viewing that recommendation.

The DEPUTY CHAIRMAN: We might move on and look at recommendation 4 from the Coroner. In that particular recommendation he recommended that the Department of the Attorney General not delegate to police officers the powers of a Deputy Registrar of the Magistrates Court unless the department can be satisfied that those police officers do have an understanding of the powers and responsibilities of a Deputy Registrar. So the first question in relation to this recommendation is: what action has WA Police taken to implement recommendation 4?

Mr Gregson: The police and DOTAG staff have formulated a strategy to implement recommendation 4, and that includes DOTAG conducting a review of their procedures, and developed a set of guidelines that includes a letter of introduction, the confirmation of appointment and a summary of powers. That is the action that is being taken for 4.

The DEPUTY CHAIRMAN: How will WA Police be satisfied that police officers with powers of a deputy registrar of the Magistrates Court have an understanding of the powers and responsibilities of a deputy registrar? We ask this question because this was actually raised in earlier hearings from other organisations; they did not feel that they necessarily had that understanding in some cases. How will WA Police monitor and ensure that they maintain this understanding?

Mr Gregson: They have reviewed their procedures and they have developed a set of guidelines, which includes the letter of confirmation and the summary of powers. We have included in the handover statements, when one officer hands over to another, the responsibilities; there is a requirement to acknowledge that responsibility in the handover. These documents are also audited

by our business area management process. We have a very prescriptive BAMR process, which is a business area management review process, so it is ensured that it is handed over from one to another.

The DEPUTY CHAIRMAN: Are you able to provide to the committee a copy of any updated guidelines for police officers who are appointed as registrars?

Mr Gregson: I would say to you that is a DOTAG—I could provide it, but it is actually a DOTAG document really.

The DEPUTY CHAIRMAN: If you could provide it to us that would be very helpful, thank you.

Hon PHIL EDMAN: I have two questions on recommendation 4. The first one: could you provide a brief overview of the pros and cons of having police officers with powers of a deputy registrar of the Magistrates Court?

Mr Gregson: What the point of it is?

Hon PHIL EDMAN: The pros and cons.

Mr Gregson: The pro is that if you do not use a police officer, you do not have anybody to do it. The cons are that you could potentially end up with somebody with a lesser understanding of what the roles and responsibilities are.

Hon PHIL EDMAN: Following on from that, how are officers currently prepared for this role and what incentives are there for officers to do the necessary training?

Mr Gregson: I would not think there would be any incentives to do the necessary training other than to learn what your roles and responsibilities are. I get back to my original point, I guess, is that it is a role that falls back to the police, like many roles have throughout time, because there is actually no-one else to do the role, so it is the same as bailiffs, prosecutors, childcare workers—in some of these regional and remote facilities, you are it. I guess if, as a policy position, you want someone doing that role in the community and you do not want to use a police officer, we would say that is terrific.

The DEPUTY CHAIRMAN: I am sure you would! Just some technical information perhaps you might be able to provide to us: how many police currently are listed or have the responsibilities of a deputy registrar? Are they primarily located in only rural and regional areas? I am just curious about the numbers.

Mr Gregson: I do not know the answer to that, but my instincts would tell me that—I am quite happy to get back to you—yes, it would be confined to rural and remote Western Australia.

The DEPUTY CHAIRMAN: We would be interested in the numbers, if we could get that. I am just wondering: is it something that when a police officer is sent to a rural or remote area that it is automatic that they take on that role or is it something that they have to request? What is the process?

Mr Gregson: It would be an historic position or function, so that if you are taking over as officer in charge of a certain police station, then you could find yourself as the deputy registrar, the local bailiff, the local babysitter—you could end up with a whole range of annexed roles and responsibilities.

The DEPUTY CHAIRMAN: So prior to going to take on that role of being police officer in charge, I would assume that they would receive some sort of training about all those other roles as well.

[12.15 pm]

Mr Gregson: Yes. Certainly, in this case, that has been revisited by DOTAG in terms of confirming their appointment and a summary of their powers.

Hon LYNN MacLAREN: Just in relation to recommendations 5 and 6 from the coroner—this is in relation to the two-tier system for the justice of the peace where we can separate judicial responsibility for the administrative duties—if this two-tier system was introduced and JPs in country areas were only authorised to undertake administrative duties, how would this impact on the WA Police?

Mr Gregson: I would imagine that that would depend very much on how you define administrative duties and operational duties. If things like search warrants, for example, were classed as two tier and you had to go elsewhere, then you would have less access to that type of authority or instrument. Similarly, if JPs do not do court roles, you would have less local courts or justice courts with the corresponding drop in service delivery. Unless the gap is going to be made up by circuit magistrates or something like that, you would just have a drop in access to justice services. It depends on how you are going to restrict them. Historically, if you look back with the range of things that justices of the peace used to do in their local community, it is diminishing over time as the role of the magistracy increases.

Hon LYNN MacLAREN: So are there any direct impacts you could point to for the police if that were to occur?

Mr Gregson: Again, it depends on the definition of what is going to be in and what is going to be out. But, certainly, if things like local courts could not be convened at a moment's notice or search warrants could not be obtained at a moment's notice, then you would have a corresponding lack of access to the justice system to the extent that it is not available.

The DEPUTY CHAIRMAN: The coroner's recommendation 9 recommended that the Department of Corrective Services replace its current fleet of prisoner transportation vehicles with vehicles that are both safe and humane, and you make comment in your submission that WA Police vehicles that are used in prisoner transport are fit for purpose. What specific action has WA Police taken to address the recommendation from the coroner, and what changes have been made to police transportation vehicles to ensure that they are safe and humane?

Mr Gregson: We have got a vehicle replacement program for caged vehicles in regional Western Australia to be replaced by varley pods. That is being rolled out as we speak. I think we are progressing towards the total replacement of all vehicles with cages.

The DEPUTY CHAIRMAN: When do you expect that to be finalised?

Mr Italiano: We were allocated \$2.5 million in the 2010–11 budget—\$2 million for this financial year and \$500 000 for the following. We would complete the program within those two years. Hopefully, it will be less than the full two financial years to complete the full program. The varley is probably the best available secure transportation we can provide. I just draw upon Inspector Petterson's previous comments. It is difficult with the police fleet to balance operational requirements, safety for officers and the ability to move people all in one vehicle, because essentially we could not have a fit-for-purpose large bus or something sitting at Wiluna Police Station on the basis that it might be needed from time to time. The varley really is the best balance. It is moulded plastic extruded; it is a single piece. It is very safe from the point of view that it has no contact points inside, it is air conditioned and it has camera intercom. It is the best we can do at the present time, so that is to occur in the next two years.

Hon PHIL EDMAN: Who is responsible for ensuring that the WA Police vehicles used in prisoner transport are fit for purpose, and what is the process for dealing with vehicles that are assessed as not fit for purpose?

Mr Gregson: The point we try to make is that police vehicles' primary duty is not prisoner transport. The primary purpose of a police vehicle is policing. When you are doing prisoner transport, we now need to get vehicles which are fit for purpose, so we make an assessment. We

have chosen the varley pod to do that. We are replacing the vehicle fleet in regional Western Australia to the extent that we can as quickly as we can to do prisoner transport.

Hon PHIL EDMAN: Is there a process in place, then, for that to be assessed if it is not fit for purpose? I know you just said that you are replacing them.

Mr Gregson: We have ongoing vehicle replacement. Once the vehicles get replaced, they will be replaced with varley pods.

The DEPUTY CHAIRMAN: Given our time constraints today, we will move on. We want to talk about our term of reference 2, which is dealing with air transport or videoconferencing. I know we touched upon that a little bit at the beginning. The simplest question is: does the WA Police support the use of air transport or videoconferencing as an alternative to long-haul vehicle transport?

Mr Gregson: The short answer is: yes, we would support it very much so.

The DEPUTY CHAIRMAN: That is a great short answer. My next question is probably a very basic one, but we would like to get the information on record. The committee is aware that the Department of Corrective Services will take back responsibility from the WA Police for the transportation of juvenile offenders in regional WA in November 2010. Please advise in what circumstances the WA Police will be responsible for transporting prisoners, adult and juvenile, and when the Department of Corrective Services will be responsible for transporting prisoners? At what point are you responsible and at what point are they responsible? It is a very basic question.

Mr Gregson: Under the act, they are responsible for transporting sentenced prisoners. We then have the responsibility for unsentenced prisoners.

The DEPUTY CHAIRMAN: And that will stay the same after November 2010?

Mr Gregson: Yes, but we have traditionally done the transportation of juveniles—full stop. That has been done in the metropolitan area. It was originally given to the contractor, as I understand it, and it was brought back in-house by DCS. We have just negotiated an arrangement with DCS for them to take on board the transportation of juveniles in regional Western Australia.

The DEPUTY CHAIRMAN: The second part to that question is if you could please explain the hub model and its application after 2010.

Mr Gregson: Ostensibly, the hub model is that we, the police, will take juveniles to a hub—being a place that has a suitable holding facility and a suitable airstrip—and the DCS will collect them from the hub. All police stations within a 400-kilometre radius will be considered hubs and then with some of the more remote ones, we will take them there and they will fly in and grab them, or we will use our aircraft to fly them out with their officers.

Hon LYNN MacLAREN: Your submission notes that the effectiveness of the policies contained in the WA Police Transport of Persons in Custody Manual and the success of proposed alternative solutions rely on budgetary and resourcing allocations by the government. What funding does the WA Police require to implement the manual and the alternative transport solutions? Is the WA Police funded to comply with the Transport of Persons in Custody Manual?

Mr Gregson: I would have to go and look at the figures, but I would think we would be inadequately funded for the air transport component. It would depend very much on how much air transport is done.

Hon LYNN MacLAREN: What did the joint business case developed by the transport of persons in custody working group propose regarding the WA Police transporting prisoners, and what is the effect of the proposal not being funded? You are familiar with the transport of persons in custody working group recommendations.

Mr Gregson: There was a joint capital works business case called the expansion of regional videoconferencing facilities in the justice sector. It is a Department of the Attorney General,

Department of Corrective Services and Western Australia Police joint submission. In relation to the Western Australia Police, it was proposed that there would be an expansion of the following audio-video facilities at Laverton, Eucla, Blackstone, Kintore, Oombulgurri, Balgo, Looma, Marble Bar, Onslow, Tom Price, Shark Bay, Burringurrah and Ravensthorpe. The moneys required for police in capital in 2011 are in the order of \$513 000; in 2011–12, \$645 000; and in 2012–13, \$1.71 million. In recurrent it is around about \$300 000 to \$500 000 per annum. It required four additional FTE, which is encompassed in that. That relates to police and court costs. As it has not been funded, it will not happen; that is the short answer. The impact is there will not be any upgrade to audiovisual facilities, with respect to police at least, in relation to that joint business case.

The DEPUTY CHAIRMAN: Are we able to get a copy of the joint business case?

Mr Gregson: Certainly, yes.

The DEPUTY CHAIRMAN: Just looking at air transport, the Department of Corrective Services advises that it is transporting prisoners by air on selected routes. We were just wondering: are any police officers involved in transporting prisoners by air?

Mr Gregson: There are, particularly out of the remote areas or non-commercial places, yes.

The DEPUTY CHAIRMAN: Are there any concerns about transporting prisoners by air from the police side of it?

Mr Italiano: We have a set of procedures in relation to the air wing in moving prisoners. The pilot actually has the final determination as to whether the aircraft leaves the ground. There is an assessment required in terms of risk assessing the prisoner, their history, the nature of offences, and how much escort will be required to move that person safely. We did have an initial feeling that there might be a degree of resistance, particularly from remote areas for Indigenous persons to travel by light aircraft, but that has proven not to be the case. In fact, the lesser travel time for everyone is appreciated regardless. It has been quite successful in that sense.

The DEPUTY CHAIRMAN: In terms of looking at video link, are all police stations and police lockups equipped with the appropriate equipment to enable video link?

Mr Italiano: Not at this time.

Mr Gregson: No.

The DEPUTY CHAIRMAN: What about your rural and remote police stations and police lockups?

Mr Gregson: There are 11 multifunctional police facilities: in the Kimberley district, Kalumburu, Balgo, Warmun, Bidiyadanga, Dampier Peninsula; in the Pilbara, Jigalong; in the Mid West, Burringurrah; none in the South West district; none in the Great Southern; none in the Wheatbelt; in the Goldfields, Wiluna, Warburton, Warakurna and Laverton; and four police stations only, Leinster, Kintore, Kambalda, Blackstone and Eucla. That is audio only.

Mr Italiano: What you will find, Madam Chair, is a number of those new multifunction facilities had those built into them because they are quite recently developed facilities, and many of those facilities also contain a court as part of their overall footprint.

The DEPUTY CHAIRMAN: Could we please have a copy of that document you have just read from?

Mr Gregson: Yes. They are just my answers to your questions, but you are welcome to them.

The DEPUTY CHAIRMAN: That is fine. It would just be useful for us. Thank you very much for that.

Hon PHIL EDMAN: Have you got any information about how prisoners respond to videoconferencing in the very few areas that you have got it in the state?

Mr Italiano: We sit on a group called the strategic criminal justice forum, which contains the Chief Judge, the Chief Magistrate, the Chief Justice, the DPP and others. Among the questions that group is looking at is this very question of all of us having an agenda to minimise the amount of time that people have to be moved, because movement itself has a risk, no matter how you choose to do it.

[12.30 pm]

A number of factors impact upon the use of AV facilities, notwithstanding the physical availability of them, but also the attitude of, perhaps, defence lawyers, on occasion, to the use of those facilities, and the magistrates in terms of whether they will consistently hear matters via that medium, and there are different views about the efficacy and fairness of using that medium. A number of factors impact upon the degree of use of AV, such as, obviously, where the person physically is at the time. But certainly we would say that, notwithstanding the purely technical issues of whether the equipment exists, there is still further scope, on behalf of all parties involved in it, to use AV more often than is currently the case.

The DEPUTY CHAIRMAN: Given the sites that you read out to us, obviously that is not every police station or lockup. Is there work being done in terms of either seeking funds through the budget, or some sort of long-term strategy or plan to ensure that you have the appropriate equipment in each of those sites?

Mr Gregson: That was encapsulated in the joint business case.

The DEPUTY CHAIRMAN: Okay.

Mr Gregson: I only referred to the aspects that the WA Police asked for, but that was a joint business case, the very purpose of which was to enhance the FTE and equipment required to optimise audio–video.

The DEPUTY CHAIRMAN: I will look forward to reading it then.

Hon PHIL EDMAN: Have there been any issues so far in using the videoconferencing in those few areas that you have got it? I know I asked about the prisoners, but —

Mr Gregson: There are issues with using it—issues around acceptance and utilisation by the judiciary and the magistracy, and acceptance by legal counsel, because it is very difficult. If a court has got the accused, well, where is his counsel?

Hon PHIL EDMAN: Yes.

Mr Gregson: He can get his counsel in on another link. How does counsel talk to their client and get proper instructions if they are not co-located physically? How does counsel get a video link with the prisoner prior to the video link with the court? There are some business challenges, as well as equipment challenges.

The DEPUTY CHAIRMAN: For those police officers serving in the remote areas where they do have these set-ups in some of those Indigenous communities, and I know sometimes it is an age thing as well, where you have younger officers who feel more confident about using the technology and maybe more senior officers who do not, what sort of training is provided to those officers so that they know how to use the equipment?

Mr Gregson: It is managed by the courts. It is a court process, so our officers do not really need any training.

The DEPUTY CHAIRMAN: Okay. Looking at our term of reference 3, which talks about what is being done to reduce Indigenous incarceration and recidivism rates in our state, we were just wondering whether you would be able to provide to the committee a summary of the offences committed by Indigenous adults and juveniles in prison, and we also wanted to know how many Indigenous people are in prison for driving offences.

Mr Gregson: WA Police would not have any of that information. We think that might be best sourced through DCS.

The DEPUTY CHAIRMAN: Thank you for that. You might be able to provide a response to our next question, but it is probably more of an opinion, as to why Indigenous people are overrepresented in our prison population to the extent that they are.

Mr Gregson: I mean, you are asking me to stray into my opinion.

The DEPUTY CHAIRMAN: No; given your experience and your engagement in this area, I am sure that WA Police would have a range of views as to why we have a high incidence of Indigenous incarceration and the factors that lead up to that.

Mr Gregson: The blunt answer, of course, is because they get sentenced to terms of imprisonment when they go through the criminal justice process. I think it is a moot point. There are more in prison because more are sentenced to prison because they are held accountable for more offences. I think the more important question, which is obviously a public policy position, is: why are they in that position in the first place? That is something that seems to occupy—or does occupy, quite rightly—the public policy agenda in this country. I really do not think my personal private opinion is going to add any value to that at all.

The DEPUTY CHAIRMAN: No; I appreciate that. Perhaps you might be able to provide us with some examples of where WA Police have established programs, or where you might have officers involved in actions that are directed at reducing the rate of Indigenous imprisonment. I know a range of your people are actively engaged in that.

Mr Gregson: We are very heavily involved with a number of intergovernmental policy issues arising out of the Attorneys General group and COAG, including things like the youth justice steering group, police and community youth centres, Back on Track programs, rewards programs, Youth Space activities, graffiti programs, Chop Shop programs, community service hours, Youth at Risk diversion programs, Street Net Youth Outreach Service, and On Track programs. As I say, we are part of the national agenda on Indigenous justice issues and remote service delivery projects, and a lot of major work came out of the Gordon inquiry in terms of multifunctional police facility initiatives, police post initiatives, regional responses in terms of community engagement and capacity building, and cross-border justice schemes. That would be just a selection of the contribution that police make, as well as often being, in many cases, the premier—if not only—government agency actually delivering on the ground, particularly in remote and rural areas 24/7.

Hon COL HOLT: You said earlier that policemen rock up to a remote or regional community and they often become registrar or even a babysitter. It is obviously an important role. I have lived in a fair few remote and regional communities and realise the important role that police play, including doing things like holiday school holiday programs to engage younger people—all those sort of things become part of it. They obviously become part of programs that get delivered about reducing incarceration and recidivism. I have a question, I guess, about how important those particular police officers are and how you go about lining up those skills or that passion or that commitment or that interest with who you have around you to go and play that very important role. I know there are gaps, but what are they doing in those communities and how do they approach life in those communities? I am just interested in your thoughts. I know it is pretty tricky, but, anyway, I am interested in your thoughts on it.

Mr Italiano: I am happy to provide a response. I think the challenge of getting people in locations to those that you have referred to who are both passionate, talented, want to be there, and have the skill sets is a real challenge. Undoubtedly, we have been able to achieve that in a number of those locations. They are highly incentivised locations, particularly the remote locations, in terms of pay, rank, and a whole range of things. But, even so, it is not always easy. These are not places that a great many officers want to go and serve; there are significant personal issues, family issues and

career issues. I know, from talking to my colleagues in the Northern Territory, that the model there, for the intervention, is flying in AFP officers on rotation. One of the issues is having people who are prepared to serve in those locations who have the right motivation and skills to do it. The fact is, we do not always get them. We do not always get people of that ilk prepared to go to those locations. We get them staffed and we get people to go there, undoubtedly, and that is at least something, but I would be deceiving you if I said that in all cases they had been the exactly right people. I think they are pretty special people, actually, who can go there and do that kind of work. That is an issue, and there is no covering that. As I said, the positions are highly incentivised—that is, to get people to go—but we have had a number of officers who have served at multiple regional locations, but for some people the challenges are just too great and they do not see out their tenure. It is difficult. I do not have a magic wand to wave over that. Compelling people to go is not the answer, because if you just say to someone, “You’re working there next week”, they are not going to want to go there and be a contributor to what they are doing. We see people change their attitudes; we have people go to those locations thinking they are not going to like it very much and they end up loving it and want to serve there. I think that is one of the factors that impacts upon other government departments and their ability to put people on the ground in these locations; that is, getting the right people willing to go—absolutely.

The DEPUTY CHAIRMAN: It has been put to the committee, through a number of submissions, that Indigenous people in the state are over-policed. One example given to us was the arrest of an Indigenous child for stealing a Freddo frog—I understand that charge was later dropped. Can you perhaps respond to that concern that Indigenous people are over-policed in WA; and, what training do police undertake on Indigenous issues?

Mr Italiano: My colleagues may also wish to comment on this question, but I think the term “over-policed” implies that there is a police presence or focus that otherwise might not be the case. I think that needs to be carefully thought about, because if you read the whole thrust of the Gordon recommendations, in fact we were criticised for the exact opposite; that is, that we were not taking into account properly the rate of Indigenous victimisation in some parts of the state. I think it is a very fine line between providing a policing response that matches the nature of offending in a given location, offending in terms of violent crime, antisocial behaviour and property crime, and it is a fine line then saying, “Well, there is too much policing in this community.” Most of the problem I have when I go around the state is that we are accused of under-policing just about everywhere. Look, I think the question deserves careful consideration. I am aware of a report done within the last year by the CMC in Queensland in which they looked at remote communities in Queensland with this very hypothesis in mind. What they concluded was that the policing was actually proportionate to the needs of that community, that the policing was proportionate to the level of offending in the community, and that if you did not have police there, all you are doing is not providing a proportionate response to those needs. Those are my remarks. I think that it requires serious consideration and I think there are types of policing, and it is not always about strong enforcement. There are the community activities that were referred to earlier, there is work done trying to limit the amount of alcohol that come into a community; is that over-policing? I accept it is a legitimate question, but I also think that there are many layers to that question that require appropriate thinking. I do not know if any of my colleagues would like to add to that. I note that the question does actually specifically raise the issue of the so-called Freddo frog matter, and I do not know whether the committee wishes to examine that particularly, but those would be my overall remarks.

Mr Gregson: Yes, I think they are all good points that have just been made. You police where there is a need to police. You need not forget, too, that a lot of the times we police Indigenous domestic violence situations and we are intervening in issues of child abuse in Indigenous communities. There are Indigenous victims, and much of the time that we are policing, we are responding to

incidents where there is a need to police. I think it is a multifaceted, complex question you are asking.

The DEPUTY CHAIRMAN: It is. Thinking about it, perhaps when these comments have been made to us, rather than presence, they are saying more about charging—overcharging. Maybe that puts a different spin on your response.

Mr Gregson: We tend to apply almost a decision-making matrix to whether somebody should be charged. Can I be blunt? Race does not come into that decision-making matrix. People are charged because we consider that there is a prima facie case that they have committed an offence, and that, providing we have gone through the decision-making matrix and optimised opportunities for diversion or opportunities for other programs, sooner or later, charging is a function of law enforcement and law enforcement is our core business.

The DEPUTY CHAIRMAN: Mr Petterson, did you want to add anything?

[12.45 pm]

Mr Petterson: It is interesting that you asked the actual question itself, it speaks about people suggesting the police are over-policing, and specifically talks about the young fella with the Freddo frog. Far too often, unless the full facts are examined, it could paint an informal position. If I can, bearing in mind the need to maintain this young person's confidentiality, prior to the decision to charge him, he had been in contact with the police, from the age of eight to that time, on 23 occasions. The police officer who was involved in the matter assessed those circumstances and his belief that he was appearing before the juvenile justice team, so he had been diverted already on another matter, which turned out to be, although he should have been placed before, it had not occurred at that stage, and he was also aware of the fact that, during those 23 occasions, a week before this particular incident, one of the local shopkeepers was successful in taking out a misconduct restraining order because of the amount of theft that had been occurring from his store. He had also been in contact, as I say, on 23 previous occasions, being in possession of a weapon, being on other people's premises, and a number of other incidents, so all these things had been taken into account by the officer himself, and far too often, when these things do become public, there is one issue that is focused on, and that is the issue at the time. This is a perfect example where the fact is that the situation was not over-policed; it was based on the historical facts that were known to the officer at the time, which does occur on each occasion.

Hon COL HOLT: Mr Italiano, I think you made some very good points. Are there any plans to do a similar review in Western Australia as was done in Queensland?

Mr Italiano: The body that did the review in Queensland is the equivalent, really, of our CCC here. I might be wrong, but I suspect that their research function is a little more longstanding and perhaps has some more resources, but certainly —

Hon COL HOLT: Is there a need to do it, then? Perhaps that is a better question.

Mr Italiano: I think that it is a question that people hold; I think it is an important social question. I think there is probably a variety of institutions in Western Australia that could undertake that research, and it deserves appropriate attention. I agree.

Hon COL HOLT: Thank you.

Hon LYNN MacLAREN: Just going back, term of reference 3 is what the committee is trying to explore, and the reason we are bringing up the issue is that we are looking at government action to reduce Indigenous incarceration and recidivism, for which there is plenty of evidence to show that there is a high rate in Western Australia.

Mr Italiano: Yes, indeed.

Hon LYNN MacLAREN: You very eloquently described how police are, in many cases, a significant proportion of government representation in a lot of areas, and play a wide-ranging role.

Clearly, you are in a position to comment on what could be contributing to these high rates of incarceration. It was not just the example of the Freddo Frog that was before us although it is, I grant, a very emotive and clear example. Since the Aboriginal Legal Service made its original submission to us, which I think it prepared in 2009, and made relevant comments about over-policing, it has provided us with 10 more case studies that have occurred since that time which, on the material that we have, point to charging and taking into incarceration at what would be, at face value, potentially a very quick decision, or at least one that might be out of scale. There is a perception in the community, backed up by case studies like this, that incarceration is occurring all too frequently, particularly for young Aboriginal juvenile men, and if there is something you can contribute to this particular part of our committee, which looks at the programs that you have in place from WA Police that can potentially reduce the high rates of incarceration, it would be much appreciated. One thing that has come up is juvenile justice diversionary programs, which have been mentioned in some of the submissions; perhaps that is one way. We are clearly looking at other positive examples of using air transport or videoconferencing. If you could address your response to the claim of acting too quickly or perhaps charging too quickly in those lights, it would be helpful.

Mr Italiano: I think that we accept that that perception exists. In terms of the 10 case studies you have, if they were subject to further commentary, it might be that a different opinion emerges about whether they were fair and reasonable or not; I guess we will not have that opportunity today. Can I again refer to the CMC report I referred to earlier, and I ask forgiveness—I cannot actually recall the title of it today, but one of the things they spoke about is whether the focus actually ought to be on diversion, because when you think about it, diversion means there has already been some offending. Really, the focus should be on crime prevention; the focus should be on the factors that are leading people into offending lifestyles. I would suggest to the committee that the research, the body of knowledge and the documentation of what it is that leads to these circumstances developing—we are talking here about Indigenous communities—is pretty well known. There is no great mystery as to why this is the case. Again, as politicians, the committee is no doubt aware of public policy attempts to deal with this over decades of federal and state action. I am sure that if this committee could come up with some novel and new ways that might change that situation very quickly, it would be of great benefit. We had the pleasure of having Gerard Neesham address our Police Union conference recently, speaking about Clontarf. That stands out as an outstanding program, because it involves sport, it engages young men, and it gives them incentives in education and other matters. I think it is an outstanding example of something that is making a difference. But I would suggest that the body of knowledge, the expertise and the people who really need to lead these changes are not necessarily going to be WA Police. We are certainly part of it, but I think it is earlier in people's lives, it is more general social conditions, it is all those things that criminologists will identify as increasing the chances that someone will adopt an offending lifestyle, such as birth weight, education, health, family stability and housing conditions—all those things that people are well aware of that contribute to these things. It is not lack of programs; we can go to Roebourne tomorrow, and there are dozens of programs running in Roebourne, some of them more successful than others, but how is all this coordinated? How is it targeted? How does it make a difference? How do we back the right horses so that there is success and we actually base it upon empirical evidence that something succeeds?

The other problem with it—I am getting a little high on my soapbox here—is that it is costly. We are often criticised for being one of the most costly police services in Australia. The fact is that we cannot deliver services in these locations cheaply; it takes money, it takes investment, it takes infrastructure, and that is sadly lacking in many of these locations. I suspect that that really goes to the member's question, and the truth of the matter is that we do not want to be diverting people because we do not want them to come into contact with the system in the first place. When we do need to divert, do we get 100 per cent of those diversion decisions correct? Probably not; I do not think that we would make that claim, but I can also tell the committee that there are a range of circumstances that effect the ability to divert. There has to be an admission of the offence and there

has to be a decision by the victim to want to engage with the process. There has to be the practical circumstances to get two, three or four people in the same place at the same time. There has to be a strong DCS presence driving the administrative functions that support juvenile justice meetings. Again, if you want to go around the state, you will find that that is very difficult to achieve in many locations. My last point is that another impact on WA Police is community expectations. If you have a community of people and there is problematic offending going on, there are pressures put on police to try to deal with those situations. Can I just say that in the Auditor General's report, 50 per cent of the arrests of juveniles across the state—this is their figures—come from 290 males and 75 females. That is not an enormous group of people, so I am not so sure that the information does not exist on which to go forward with good policy; I suspect that there are other issues involved.

The DEPUTY CHAIRMAN: We thank you for your candour and bluntness; we certainly appreciate that. I agree with you; a lot of that work has already been done. I think part of the issue—we have raised this with some of our other people who have spoken to us—is how each agency manages that. I know from previous experience of dealing with a range of agencies on particular issues, it is not always easy to get everyone together at the table, working together. We heard earlier this morning that there are obviously a couple of examples in this area where various groups are trying to come together. Putting aside all the research and all the core reasons that we all know and acknowledge, how do we get government working together across the spectrum to address these issues that we are looking at? Are there any impediments to agencies working together better, not just to share ideas, but to get outcomes?

Mr Gregson: You tend to see government agencies working well when there is a specific issue. They will come together, team up and work together, but we are still very siloistically focused, and we are certainly siloistically funded. We support the building blocks that COAG has articulated, but that needs to be an integrated approach. People talk about this all the time, but we need to be able to deliver a program rather than fund individual agencies to deliver certain aspects of that program. What is needed here is bipartisan political imperatives to move forward—long-term, well-funded programs that everybody is buying into, perhaps overseen by a central agency, funded on a program basis and driven really hard. There was a report on the community violence strategy —

The DEPUTY CHAIRMAN: Who would you see as the lead agency running with that?

Mr Gregson: I do not know which one you would pick to do that.

Mr Italiano: I would suggest also there is a pretty strong role here for non-government organisations. Notwithstanding that I am a public servant and a committed one, I think there are ideas, capacities and flexibilities available to non-government actors in this space that government finds difficult to match. I go to the previous example of a program that is of that ilk. I do not think that the only answer is actually held within governments and their structures; I think Mr Gregson is right. It is difficult to overcome the fact that budgets are allocated on a departmental basis and that there is ministerial responsibility for certain outcomes. I think there are multiple attempts by bodies that overarch departments, whether they be the DIA-type structure that now exists, and others. I think there has been some successes in that, but I think there are still structural issues with trying to do it in the way we are doing it at the present.

The DEPUTY CHAIRMAN: We have not canvassed this, certainly not with this committee, but rather than having a current agency take the lead role, I do not know how we would go about looking to establish a separate, new entity to take the lead across government on these matters.

Mr Italiano: I think that whatever it is that weighs upon that choice, the primary consideration needs to be who is capable of getting something happening on the ground, logistically, resource-wise; who is capable of actually implementing at the coal face, and I think that that is something that needs the highest level of consideration.

The DEPUTY CHAIRMAN: Thank you for that. Before we finish, I might just run through a couple of questions. The Auditor General's report which was dealing with young people under the Young Offenders Act 1984, which I understand was tabled in June 2008, made a number of important findings. I am not going to go through all that because I am pretty sure you have that information. The questions I would like to raise—if you do not have that information here today, that is fine, you can take it on notice—is if you are able to provide current data on the matters that were canvassed in that report, including arrest data, bail data, the number of formal contacts with Indigenous juveniles, the use of cautions, referral to juvenile justice teams and redirection options. Also, if you are able to explain the discrepancy between the Indigenous and non-Indigenous rates of directing young people away from the courts and, thirdly, what action WA Police has taken in response to the Auditor General's report, and whether key indicators are improving. If you are not able to provide that today, because it is quite a fair bit of detail, I am happy for you to provide that at a later stage. Just finalising a couple of areas for term of reference 3, we have some questions that go to the steps that police officers take when they actually arrest a person, and the steps that they take when they actually summons a person to appear in court. I am happy for you to provide that information at a later stage rather than articulating it today. The follow-up to that one—you might be able to answer this today—is whether the appropriate course was followed in Mr Ward's case.

Mr Gregson: In terms of the arrest?

The DEPUTY CHAIRMAN: Yes.

Mr Gregson: Yes, I understand he was arrested for a serious road drunk driving offence, so it would be normal that people would be arrested for that.

The DEPUTY CHAIRMAN: So all the appropriate steps were taken to deal with it?

Mr Gregson: I am only commenting with regard to the scope on the arrest. Someone would normally be arrested if they were —

The DEPUTY CHAIRMAN: Why was he arrested and not just given a summons?

Mr Petterson: Being a DUI offence, the general course of action there is to arrest. The lesser traffic matters, consideration is given to summons or infringement, depending on what the offence is. In this particular case, the decision was taken to arrest him, which is not uncommon with that particular seriousness of offence.

The DEPUTY CHAIRMAN: Are WA Police satisfied that they have met with and complied with all the recommendations from the coroner in relation to Mr Ward's death that pertain to your area?

Mr Gregson: I think the short answer is yes. I am going to go back and revisit the one that was raised in relation to the potential gap in bail training, but my understanding is that we have implemented the recommendations.

The DEPUTY CHAIRMAN: That is fine. I think there are probably one or two questions we might have missed out on, so we will provide those to you on notice. I thank you very much for your time here today. Those documents we have asked you to provide, our clerk will speak to you about when to provide those and where to send them, so thank you very much.

Hearing concluded at 1.02 pm